Supreme Court, U.S.
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No. _____

IN THE

Supreme Court of the United States

LEV NAVROZOV

Petitioner

—against—

NOVOYE RUSSKOYE SLOVO PUBLISHING CORP., BORIS GART AND GEORGE VAINER

Respondents

On Petition For Writ of Certiorari
To the Court of Appeals, State of New York

PETITION FOR WRIT OF CERTIORARI

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SOP

QUESTIONS PRESENTED

Brief introductory statement: In 1996 the New York–based daily *Novoye Russkoye Slovo* published 3 articles which contained 9 paragraphs (see Appendices E, F, and G), representing me (the petitioner) as a KGB agent in Soviet Russia before 1972 and a Soviet-Russian spy in the United States since 1972, that is, much longer than Robert Phillip Hanssen is alleged to have been such a spy.

1. Had I revealed myself in my publications up to 1996 as a KGB agent in Soviet Russia before 1972 and a Soviet-Russian spy in the United States since 1972, as respondents alleged in their three articles, contending that they had "inferred" their KGB & espionage imputations from my publications?

2. Are respondents' alleged "inferences" from my publications deliberate (malicious) gross distortions of my texts and sheer inventions such as their invention of a "KGB general"?

3. Did respondents intend their alleged "inferences" from my publications to be "statements of fact," claimed as they were by respondents to have come from the "KGB agent and Soviet-Russian spy" himself, or are their alleged "inferences" from my publications (pure) opinions, protected under the First Amendment, as respondents have been claiming after the lawsuit began?

LIST OF PARTIES

All parties appear in the caption of the case on the cover page.

I, petitioner pro se, am a writer and journalist, publishing in the West since my emigration from Soviet Russia in 1971 as well as in Russia since 1992 (see Appendix H).

Respondent *Novoye Russkoye Slovo* is the only major Russian-language daily in the West. I was its regular (weekly) columnist when it libeled me as a KGB agent and a Soviet-Russian spy.

Respondent George Vainer came to the West after the collapse of "the Soviet empire" in which he was a top propagandist and a lifelong member of the Communist Party of the Soviet Union. He was the editor-in-chief of the daily for less than two years, whereupon he disappeared from the newspaper without any explanation and has never been mentioned ever since except for one article, in 2001, totally negative.

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APPENDIX E — Four libelous paragraphs in respondent Boris Gart's article in respondent newspaper of Aug. 23, 1996, p. 30.

APPENDIX F — Four libelous paragraphs in respondent Gart's second article (respondent Newspaper Sept. 20, p. 14), in which he affirms that petitioner Navrozov had revealed himself in his publications as "a KGB secret associate in Soviet Russia and a KGB agent in the USA.

APPENDIX G — Two successive paragraphs in respondent Vainer's article (respondent newspaper Dec. 6, 1996, p. 15). The first paragraph is respondent Vainer's quotation of petitioner Navrozov's text, and the second paragraph is respondent Vainer's libel which he alleges to have "inferred" from petitioner Navrozov's text he quotes.

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IN THE

SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

The opinion of the Court of Appeals, State of New York, appears at Appendix A to the petition.

The opinion of a Judge of the Supreme Court of the State of New York, County of New York, appears at Appendix B to the petition.

The opinion of the Supreme Court of the State of New York, Appellate Division, First Department, appears at Appendix C in the petition.

JURISDICTION

The date on which the Court of Appeals, State of New York, decided my case was June 5, 2001. A copy of that decision appears at Appendix A.

The jurisdiction of this Court is invoked under 28 U.S.C. Section 1257.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

In *Milkovich v Lorain Journal Co. et al.* the U.S. Supreme Court outlines (497 U.S.1, *10, 110 S.Ct. 2695, **2702) the history of the libel law in the United States. "Since the latter half of the 16th century, the common law has afforded a cause of action for damage to a person's reputation by the publication of false and defamatory statements." In the case in issue, respondents certainly did damage to my reputation by representing me, a lifelong fighter against Soviet tyranny, including it s KGB (see Appendix H), as a KGB agent and a Soviet-Russian spy. Certainly their statements were false and defamatory, as they themselves have virtually admitted by declaring, after the lawsuit began and contrary to their articles, that they never made such statements. The case in issue, in which respondents libeled me in nine paragraphs of their three newspaper articles as a spy of a foreign power, violates all fundamentals of the libel law of all legally civilized countries, including the libel law in the United States as outlined since "the latter half of the 16th century" by the U.S. Supreme Court in *Milkovich.*

What makes the libel in the case in issue uniquely brash in the annals of libel law is the fact that respondents asserted in their articles that I myself had revealed in my publications my espionage

identity. Respondents plead the First Amendment of the U.S. Constitution. However, if the First Amendment protects such an insolent, monstrous, and injurious libel, then it protects *any* libel, and the libel law does not exist in the United States, contrary to its outline since the latter half of the 16th century by the Supreme Court of the United States.

STATEMENT OF THE CASE

In 1996 *Novoye Russkoye Slovo (NRS)* published (Aug. 23, Sept. 20, and Dec. 6) three articles which contained nine paragraphs (see Appendices E, F, and G) libeling me as a KGB agent in Soviet Russia before 1972 and a Soviet-Russian spy in the United States since 1972.

According to respondents' articles, I had revealed myself in my own publications as a KGB agent in Soviet Russia before 1972 and a Soviet-Russian spy in the United States since 1972, and respondents had "inferred" their KGB & espionage imputations from my publications. Thus, about a month after respondent Gart's first article, containing four libelous paragraphs, had appeared in *NRS* of Aug. 23, 1996 (see Appendix E), *NRS* printed (Sept. 20) my summary of these four libelous paragraphs:

> He [respondent Gart] asserts that I have rendered "special services" to the KGB,

that is, I was a KGB secret associate in Soviet Russia and a KGB agent in the USA.

To which respondent Gart reacted in the unqualified affirmative in his article in the same (Sept. 20) issue of *NRS* (see Appendix F) and explained that I myself had caused my own "undoing and disgrace" by my self-incriminating revelations which respondent Gart had detected and published in his *NRS* article about a month earlier and which he now reconfirmed with due reference to my relevant publications:

> As for the mutual relations of Navrozov and the KGB, mentioned in "My Eulogy" [Boris Gart's article of Aug. 23], here I am very much afraid that my esteemed opponent has caused his own undoing and disgrace. Here is a small excerpt from his opus "The Successes of Re-Sovietization of Russia," (*Novoye Russkoye Slovo,* Jan. 2, 1996): "When I communicated the results of my studies [of the Soviet regime—Tr.] in my private conversations in Stalin's times and for three years after his death, I was not denounced to the KGB because it was believed: he who says such things is an agent of the MGB-KGB [the MGB is the KGB's name from 1946 to 1952—Tr.] *with the assignment to involve a listener*

into anti-Soviet conversations and denounce him [the italics are mine—B.G.]: The fear instilled by the MGB-KGB was my best protection against the MGB-KGB."

In other words, no one else than Navrozov himself considered it necessary to bring to the readers' attention the fact that for a number of years he enjoyed the reputation of a KGB secret informer and agent provocateur, instilling fear into those around him.

No less astonishing is that warm evaluation that an unnamed KGB general gave Navrozov. I already quoted it in my article and find it necessary to repeat that quotation: "Remember that *for such as your husband* [the italics are mine—B.G.] the doors of our country are always open!" ("A Meeting with a KGB General," *Novoye Russkoye Slovo,* December 22, 1995). . . .

For the remainder of the above paragraph and in the next (fourth) paragraph respondent Gart continued to argue (see p. 2 of Appendix F) that "no one else than Navrozov himself" had revealed in his publications that he had been "a KGB secret associate in Soviet Russia and a KGB agent in the USA," while respondent Gart merely drew a conclusion—made "a rather innocent and natural proposition" to this effect

on the basis of Navrozov's own publications.

In his article of Dec. 6, 1996, respondent Vainer, the then editor-in-chief of *NRS*, declared (Appendix G, p. 2) that "it can be inferred" from my published text that he had quoted (Appendix G, p. 1) that I had been sent by "the Soviet rulers" to "the free world" to "make it recognize their regime as legitimate" by scaring it with the Soviet "superweapon" and persuading it to accept the Soviet "ultimatum":

> Since L. Navrozov left the USSR for his emigration precisely in 1972, it can be inferred that no one else than Lev Andreyevich [Navrozov—Tr.] became precisely that "superweapon," that "ultimatum" to the free world, with which the Soviet rulers confronted mankind to make it recognize their regime as legitimate.

That is, "it can be inferred" from my own published text that I was sent by "the Soviet rulers" themselves (over and above the KGB in their charge!) to "the free world" to act as their secret top-level agent of influence of geostrategic importance.

Hence question 1:

Had I revealed myself in my publications up to 1996 as a KGB agent in Soviet Russia before 1972 and a Soviet-Russian spy in the United States since 1972, as respondents alleged in their three articles, contending that they had "inferred" their KGB &

espionage imputations from my publications?

First of all, respondents' answer to this question in the affirmative, as this answer is presented persistently in their paragraphs quoted above, is absurd *ipso facto.* If I were a spy, I would not reveal my identity as a spy in my publications, to cause my own "undoing and disgrace." Spies never do, never acted that way in recorded history, and probably never will.

In the United States, Soviet-Russian espionage incurs death sentence unless the spy is deemed valuable enough as a continuous source of information and is sentenced to life imprisonment. Is it possible that I would reveal myself in my publications as a Soviet-Russian spy in the United States since 1972 at the peril of death sentence or life imprisonment?

Why had no one noticed my self-incriminating revelations until August, 1996? I have been publishing in the West since 1972 and in both West and Russia since 1992 (see Appendix H). In 1995 respondent Vainer, the then editor-in-chief of *NRS,* invited me to publish a regular column in *NRS,* and until August 1996 he had been endorsing for press every column of mine, without detecting any self-incriminating KGB espionage revelations either. It was only respondent Gart, sought out by respondent Vainer and introduced by *NRS* as its reader, without indicating his background or occupation, that exposed me in August 1996 as a spy who had revealed himself

as a spy in his publications, though no one had noticed my self-incriminating KGB & espionage revelations ever before.

Finally, if I revealed myself as a Soviet-Russian spy in 1996, why am I still at liberty and *NRS* did not inform the FBI way back in 1996 that a Soviet-Russian spy had been discovered in its midst?

This leads to question 2:

Are respondents' alleged "inferences" from my publications deliberate (malicious) gross distortions of my text and sheer inventions such as their invention of a "KGB general"?

Yes. Here is the first paragraph of respondent Gart's four "KGB & espionage paragraphs" (see Appendix E) in his first article (Aug. 23, 1996):

> One cannot help noticing that Navrozov's fatherly attitude toward the CIA, and the FBI's tireless care for him appear as a continuation and development of his no less free-and-easy and devoid-of-fear interrelations with the KGB. "My fear of the KGB was not infinite, for if the KGB could do efficient police detective work, it would have tracked down all my misdeeds ever since my early youth, and I would have been shot at least five times." But how could "anti-Soviet man No. 1," as Navrozov persistently recommends himself, survive

and, despite all those terrible "misdeeds ever since early youth," not be shot at least once out of five times when the country was enmeshed in a dense net of KGB informers? The secret is surprisingly simple: it had transpired that Navrozov "studied Soviet Russia from within way back under Stalin." "When I communicated results of my studies in private conversations in Stalin's times . . . [the ellipses belong to Boris Gart—Tr.], I was not denounced to the KGB because it was believed: he who says such things is an agent of the MGB-KGB" [the MGB is the KGB's name from 1946 to 1953—Tr.]. Well, having such a steadfast reputation of a KGB informer he had no reason to restrain himself in any "private conversations." "The fear, instilled by the MGB-KGB was my best protection against the MGB-KGB," says the inventive anti-Soviet man.

Now, the paragraph in my text which respondent Gart distorted above was as follows (Appendix D, p. 6):

> My fear of the KGB was not infinite, for if the KGB could do efficient police detective work, it would have tracked down all my misdeeds since my

> early youth and would have me shot at least five times. Actually, when we were leaving Russia, the KGB would hold with all leavers farewell talks to convince them that having gone to the West, they should not tar their Motherland there. I did not show up at this talk, but the interlocutor said to my wife: "Remember that for such as your husband, the doors of our country are always open."

The meaning of the paragraph is that the KGB was not efficient as a police detective force. I cited my own example. I was certainly a foe of the Soviet regime, and as we were leaving Soviet Russia, I smuggled out my book, which was published by Harper & Row in the United States and pronounced to be the most implacable criticism of the Soviet regime (see Appendix H, pp. 6–10). Yet the KGB official of the Department of Visas and Registration never detained us, but told my wife what he told in his "farewell talks" to all leavers who had been successful in Soviet Rusia and had not been detected by the KGB in any anti-Soviet activity. The purpose of the "farewell talks" was to persuade them not to be anti-Soviet in the West and hence have the doors of their "mother country" open to them.

Since the KGB was not efficient as a police detective force, my fear of it "was not infinite."

This respondent Gart distorted (see above, p. 8,

lines 5–7 from the top of the block quotation) into my "free-and-easy [!] and devoid-of-fear [!] interrelations [!] with the KGB." Similarly, my observation that in a police state everyone suspects everyone else of being a police informer was distorted by respondent Gart into his allegation that I had "a steadfast reputation of a KGB informer" (lines 7-6 from the bottom of the block quotation above). The obvious purpose of these distortions is to suggest that I *was* a "KGB informer": hence my "devoid-of-fear interrelations with the KGB."

Respondent Gart's further distortions in his second libelous paragraph of the same (first) article (Appendix E, p. 2; see the block quotation following below) suggest that I engaged my college mate Z. in "seditious heart-to-heart talks," and he "got into trouble" (that is, was arrested), while I, "as always, was saved by the general fear of the KGB" (that is, I, as a KGB agent, denounced him to the KGB): When Z. "got out of a psychiatric hospital" (to which the KGB had presumably confined him) he came to me and I promised him "powerful support" to save him from the KGB's further persecution (Appendix E, p. 2). It is implied that I was so "influential" in the KGB that I could save him from the KGB, to which I had denounced him. As respondent Gart put it (Appendix E, p. 2):

> Evidently precisely for that reason, while studying, of course, at an entirely special elitist faculty of the Institute of

Foreign Languages, which faculty was under the personal supervision of Comrade Stalin himself, Navrozov chose, devoid of fear, as his only interlocutor worthy of his total frankness, a son of a KGB general, named Z., and they had seditious heart-to-heart talks. True, later the general's son got into trouble—in contrast to this friend who, as always, was saved by the general fear of the KGB. On the good side of it, this enabled Navrozov, who had evidently become aware of his predestiny of the universal Savior already in those old days, to promise him [Z.—Tr.] powerful support at their meeting. "Lev, you are so influential! Lev, you are so successful! Of all of us you alone are so successful!" raved, spouting dithyrambs, the high-born scion of the KGB-stricken privileged family Z. who recently got out of a psychiatric hospital. The influential and successful Lev describes the final saving scene of this moving meeting in such stylistically impeccable expressions: "As I was seeing *him* off, I hugged *him*, to show that I would not leave *him* in the lurch."

My text that respondent Gart maliciously distorts actually is (Appendix D, p. 5):

> I didn't have a single friend among the students. Yet Z. and I were always on good terms because his pro-American stand was pleasant to me against the background of Stalin's anti-Western nazism, which had been growing daily, nay, hourly. Now, Z. knew that I was not an MGB informer (from the MGB he knew who was) and so he would unburden his heart to me.
>
> After our graduation I did not see him. And suddenly about fifteen years later he phoned me. Could he see me?

That is, in my text there is nothing that would suggest, no matter how remotely, respondent Gart's allegation that Z "got into trouble" as a result of "seditious heart-to-heart talks" I had engaged him in. We simply parted for about fifteen years after our graduation, and I knew nothing about him until he called to say that he wanted to see me. I perceived this as a mortal danger (Appendix D, p. 6):

> Surely he must have risen to the rank of a KGB general. His father was a KGB general, and he himself was amazingly hard-working.

Then (Appendix D, pp. 7–9) I described how I dealt with what seemed to me a mortal danger and how that mortal danger turned out to be a pathetic human scene—a "Christmas story":

I told Z. we would meet not in our country house, but in our Moscow apartment. There was no point in evading the meeting. I knew where I was living. The danger ought to be met with courage and prayer. Z. had been friendly to me, he had used to be a pro-American hater of everything Russian, and that was better for me than some Russian Nazi in a KGB uniform, hostile to me. First of all, we should chase away all foreigners. Well, they used to come to our country house, but now it's history. We don't meet any foreigners.

He turned up somewhat late (while I thought that KGB generals arrived in armored limos on the second). In a thriller it would have been written that the young ambitious general of the omnipotent KGB and his victim had prepared themselves for the battle in which the victim's only weapon was his readiness to die.

He pulled out his handkerchief and muttered as he wiped his tears: "Excuse me, I am crying because of seeing you. . . . I was again in a psychiatric hospital. . . . I just got out. . . . It happens to me sometimes."

"Lev, help me!" he spoke up again, pausing from time to time, evidently to keep back his tears. "I have four children. My disability pension is tiny. My wife cannot work because—the children! It is difficult to scatter them over kindergartens and after-school groups, and besides, we would be sorry for them if we did."

"Yes. I remember that you loved children. But what about your father?"

"He was lucky that he was not shot. We had sent him a wire to the USA: 'Don't send clothes any more.' That was after Stalin's death. But the new broom decided that this meant: 'Don't return.' He came to be suspected of being a double agent. He was recalled. They stripped us of everything. What we lived through! How happy we were that he was not shot. They spared him. But he himself broke down—died. Mother could not live through it either."

He was no longer able to restrain himself and wept again.

"Lev, you are so successful. Of all of us you alone are so successful. I have heard that in your country house when your guests sit at your dinner table, the

floor parts and it's a swimming pool all around."

There was a semblance of a smile on his tear-stained face.

"This is a fable." I said. "I don't know who thought it up."

"Lev, you are so influential. If you could get some translations for me. Not literature, of course, but whatever. A quire [24 typewritten pages—Tr.] a week. Lev, help me!"

As I was seeing him off, I hugged him, to show that I would not leave him in the lurch and to calm him down.

Obviously, respondent Gart tore several sentences out of the context in my column "In Place of a Christmas Story" to embellish his libel with them in order to claim that he was retelling my column faithfully, and even quoting me, and thus to create the false impression that I myself had revealed in my column that I was a KGB agent denouncing my college mate to the KGB and then promising him my "powerful support."

Respondent Gart continued his malicious distortions for two more paragraphs (Appendix E., pp. 2-4):

> However, the KGB's heartfelt regard for Navrozov he illustrates in the same opus of his by another and far more

convincing example. One more unnamed general from the same Slovo I Delo Department [the medieval torture chamber in Russia: the reference is to the KGB—Tr.], while talking with Navrozov's wife as they were leaving Russia in 1972—when anyone who applied for an exit visa was declared right away to be a traitor, a betrayer to the Motherland, fired to the general shrieks of condemnation, and stripped of citizenship—pronounced the following momentous words: "Remember that for such as your husband the doors of our country are always open!" I must confess that these doors opened by the general go beyond all bounds [literally: "cannot get through any doors"—Tr.]: what could make the highest ranking *oprích nik* [a member of the political police under Ivan the Terrible, that is, a member of the KGB—Tr.] of Soviet democracy bow and scrape to Navrozov and make straight *zayáki* [official requests or applications—Tr.] for their further meetings?

I, for example, was denied my exit visa for ten years, and in the interim I saw many scoundrels in a colonel's and a

general's uniform defending the gains of the Soviet regime. Yet all of them were infinitely far away from any attempt to caress me like that—such treatment had to be earned with them! Therefore, the soulfulness with which the grim KGB man treated Navrozov can be interpreted in only one way: as the recognition of certain entirely special cervices rendered by the "No. 1 anti-Soviet man" to the country and the people "the country and the people" was a Soviet cliché, which actually meant the Soviet powers that be and in this particular case means the KGB—Tr.], and deny Navrozov that recognition even his worst enemies could not (unless the general had also landed in a psychiatric hospital).

These malicious distortions allegedly retell the paragraph that I already quoted (p. 8 of this Petition), and it was made clear that my text has nothing to do with respondent Gart's malicious distortions. This is my text again for ready reference:

> My fear of the KGB was not infinite, for if the KGB could do efficient police detective work, it would have tracked down all my misdeeds since my early youth and would have me shot at least five times. Actually, when we were

> leaving Russia, the KGB would hold with all leavers farewell talks to convince them that having gone to the West, they should not tar their Motherland there. I did not show up at this talk, but the interlocutor said to my wife: "Remember that for such as your husband, the doors of our country are always open."

As has been noted on p. 10 of this Petition, the meaning of this paragraph is to show how inefficient in police detective work the KGB was: here I was, an implacable foe of the regime, smuggling out my book to be published in the West, yet allowed to leave the country, with a routine "farewell talk" conducted "with all leavers" and with a reminder that unless I became anti-Soviet in the West the doors of our country were always open for such successful figures in the arts as myself. Indeed, I was the first (and last) Russian in Russia translating Russian classical literature into English (see Appendix H).

Besides, respondent Gart fabricated a "KGB general." Every Soviet institution or enterprise had a "KGB section." So presumably did the Department of Visas and Registration. The official who "held with all leavers farewell talks" to persuade them that having gone to the West, they should not "tar their Motherland there," could be an official of "the KGB section" of the Department. Instead, respondent Gart fabricated "the KGB general" who made "official

requests or application" for our further meetings. Respondent Gart deleted the fact that "farewell talks" were conducted "with all leavers" to persuade them not to be anti-Soviet in the West. On the contrary, respondent Gart proclaimed (see the above block quotation of his text, lines 10-15 from the top, or Appendix E, p. 3) that "anyone who applied for an exit visa" was treated as a "traitor, a betrayer of the Motherland. . . ." In the next paragraph respondent Gart bitterly described his own case: "I, for example, was denied my exit visa for ten years. . . ." Now, according to any reference source, such as *The World Almanac, 1992,* p. 811: "More than 130,000 Jews and over 40,000 ethnic Germans were allowed to emigrate from the USSR in the 1970s, following pressure from the West. Many leading figures in the arts also left the country." Since my mother was Jewish and I was one of the "leading figures in the arts," we left the country with these more than 170,000 Jews, ethnic Germans, and leading figures in the arts. But falsifying history, and not only my publications, respondent Gart denies this well-known and well-documented historical fact by asserting (Appendix E, p. 3) that "anyone who applied for an exit visa" was treated as "a traitor, a betrayer to the Motherland," and he, respondent Gart, for example, was denied his exit visa for ten years.

In other words, the mass emigration of the 1970s (more than 170,000 émigrés) was distorted by

respondent Gart into the meeting of "the KGB general" of respondent Gart's own imagination and my wife, "the KGB general" treating me with "soulfulness" (due to my "entirely special services" to the KGB) and making "official requests" for our "further meetings."

My text from which respondent Vainer "inferred" his criminal imputations (see this Petition, p. 6) was quoted in his article as follows (Appendix G, p. 1):

> "'My idea is as simple as 2 x 2 = 4, though no one understands it,' remarks Navrozov in this connection. 'From 1945 to 1949 the USA had an irreversible military superiority: the USA confronted Japan with an ultimatum, and Japan surrendered. Had the USA confronted the USSR with an ultimatum, the USSR would have surrendered. Indeed, such an ultimatum was contemplated. I have a copy of the project. It was not brought into play, for the USA did not want world domination if only because inhabitants of the new U.S. territories would pour in great numbers into the USA and live off its social benefits, ruining it economically. On the other hand, the Soviet rulers aimed at world domination, for only then would their power be recognized as legitimate. Started in 1972 was a

> program of development of new superweapons—beyond nuclear weapons —to obtain such superweapons ahead of the USA and confront it with an ultimatum as the USA once confronted Japan.'"

Obviously, respondent Vainer's alleged "inferences" from this text of mine about me having been sent by "the Soviet rulers" to "the free world," etc. (see this Petition, p. 6) are sheer malicious inventions, which he insolently presented as "inferences" from my text.

The above leads us to question 3.

Did respondents intend their alleged "inferences" from my publications to be "statements of fact," claimed as they were by respondents to have come from the "KGB agent and Soviet-Russian spy" himself, or their alleged "inferences" from my publications or are (pure) opinions, protected under the First Amendment, as respondents have been claiming after the lawsuit began?

Every "statement of fact," or a falsehood passed for a "statement of fact," is an inference from a certain alleged source. In their three articles respondents alleged for such a source of their criminal imputations the alleged criminal, that is, myself. A criminal's voluntary self-incriminatory revelations are considered at law and by the public the best source for the most reliable "statements of fact," proving his

criminality. Also, the Court of Appeals reaffirmed again in *Gross v New York Times Co.* (82 NY2d 146, 155) that a criminal imputation is actionable even if it is couched as an opinion. "I *believe* John is a thief" is as actionable as "John is a thief."

REASONS FOR GRANTING THE PETITION

In his dismissal of my Amended Complaint Judge Martin Shoenfeld, Jr., of the Supreme Court of the State of New York (Appendix B), has ignored or misinterpreted both the nine libelous paragraphs in respondents' three articles and all the relevant legal cases. Thus, in his decision, with which the Appellate Division of this court (Appendix C), and the Court of Appeals of the State of New York (Appendix A) have completely concurred, the Judge

(1) did not compare textually my text and respondents "inferences" from it to establish that these are their gross libelous distortions and inventions;

(2) ignored, even when quoting respondent Gart's libelous paragraphs, such readily understood libelous assertions as "[plaintiff's] no less free-and-easy [!] inter-relations [!] with the KGB" (Appendix B, p. 4) or "the KGB's heartfelt [!] regard [!] for Navrozov" (Appendix B, p. 5);

(3) lumped together, in respondents' three articles

their nine paragraphs, libeling me as a spy, and the rest of their text, ridiculing me as a "pompous fool and egomaniac," the Judge's conclusion being that the whole, including the nine libelous espionage paragraphs, is "mockery, satire, and hyperbole," and hence is nonactionable (Appendix B, p. 13);

(4) ignored the fact that even if no "mockery" is actionable, as the Judge falsely assumed (see 43A *NY Jur* 2d, 345-7), the "mockery, satire, and hyperbole" section of respondents' three articles shows their "common-law malice," probative of "actual malice";

(5) ignored respondent Gart's explicit affirmation that I had revealed myself as a spy (see this Petition, pp. 3-4), and, as a result, concluded that respondents' espionage imputations are too "hazy" or "nebulous" (Appendix B, p. 13) to be actionable;

(6) ignored the notion of innuendo in libel law (43A *NY Jur* 2d 305) by insisting that to be understood by readers of respondent newspaper, all of respondents' libelous imputations had to be spelled out with direct and formal precision; and

(7) ignored the fact that respondents had imputed to me a crime, indeed, one of the gravest crimes known to U.S. law, and such criminal imputations had a special place in U.S. libel law (43 *NY Jur* 2d 220-21, 224)..

The Judge cited only one libel case decided by the Supreme Court of the United States (Appendix B, p. 9), and he stated that according to the U.S. Supreme Court, "seemingly factual assertions, because of the forum or the context, upon closer examination may well be 'loose, figurative or hyperbolic language.' *Milkovich v Loraine Journal Co., supra* at 21." To make the case in issue fit his citation, the Judge falsely asserted eight times in his decision that "the forum or context" of respondents' articles was an Op-Ed page, that is, a page set aside by a newspaper for readers' opinions and hence prone to "loose, figurative or hyperbolic language." True enough, due to "the forum or context" of the allegedly defamatory article in *Milkovich,* the Ohio Court of Appeals held that the imputation of a perjury to Milkovich would not be construed seriously by the *Loraine* readers, since the sports page is "a traditional haven for cajoling, invective and hyperbole." Presumably, respondents' criminal imputation in the case in issue would not, likewise, be construed seriously by the *NRS* readers either. However, the Judge did not say that the U.S. Supreme Court had *reversed* that decision and held, on the contrary, that though the reporter's column appeared on a sports page, the language of its defamatory statements is *not* "loose, figurative or hyperbolic" (*Milkovich v Lorain Journal Co.,* 497 US, at —, 110 S Ct, at 2707, *supra.*) That is, the Judge asserted, citing the U.S. Supreme Court, just the

opposite of what the latter had stated. From the Judge's citation it is not even clear that the U.S. Supreme Court decided the case *for* Milkovich. The impression the citation of the Judge creates is that the U.S. Supreme Court decided the case *against* Milkovich. To say nothing of the fact that in the case in issue respondent Vainer had instigated and printed as editor-in-chief respondents' three articles on the pages he had chosen, not on a sports page or an Op-Ed page, and his own full-page article was the official voice of respondent newspaper, not the voice of a reader or a columnist or a reporter.

The comparison of *Milkovich* and the case in issue indicates that on all points the case in issue offers far more evidence to qualify it as a gross pernicious libel with glaring common-law and actual malice.

In *Milkovich* the U.S. Supreme Court held that "statements in the reporter's column implied the assertion that the high school coach perjured himself in judicial proceedings" (497 U.S. 1, 110 S. Ct. 2695). Now, in the case in issue:

1. Respondents' statements were made not in a "reporter's column" (on a sports or Op-Ed page) but in three articles instigated by the rspondent editor-in-chief himself, with the third full-page article signed by him personally.
2. Respondents' criminal imputation was not merely a one-time implication: it was sustained in nine

paragraphs of three articles, and in one case the explicit phrase "a KGB agent in the USA" was affirmed by respondent Gart (see this Petition, p. 3).

3. Respondents implied that as a Soviet spy I perjured myself twice: when I received an entry visa and when I received U.S. citizenship. But apart from implying to me that crime of perjury, committed twice, they imputed to me, over the span of nine paragraphs, by both innuendo and direct explicit affirmation, the KGB complicity and Soviet-Russian espionage. With all due sympathy for the high school sports coach accused by implication of perjury concerning his behavior during a high school sports event, this implication cannot be equated with respondents' imputation to me of Soviet-Russian espionage, especially today, when a *real* Soviet Russian spy has been discovered at the top FBI level, and dictatorship is likely to return to Russia, to threaten the very existence of the United States in alliance with China.

4. While in *Milkovich* there was no history of animosity of any kind with respect to the high school sports coach on the part of the reporter or the newspaper (they had never heard of him before), the libel in the case in issue was a personal maximum-harm, no-holds-barred vendetta of respondent newspaper's editor-in-

chief himself. His large-format-full-page article about me, apart from containing a libelous paragraph, oozes hatred, venom, vindictiveness from the first to the last line. It is due to his malicious arrogance that he also disappeared from *NRS* soon thereafter and became its foe after his short stint as its editor-in-chief.

5. While there was evidence (eyewitness testimony) that the behavior of Milkovich during the high-school sports event had not been as ethical as he described it "in judicial proceedings" and hence his description of it *could* be regarded as perjury, there has been no Western or Russian eyewitness reports, published rumors, gossip in print, or any other evidence, true or false, that would imply or suggest my ever having been a KGB agent or a Soviet-Russian spy, and after the lawsuit began, respondents themselves have been denying that they described me as such.

Except for two purely technical case citations at the beginning of his decision (Appendix B, p. 2), all cases the Judge cited are likewise either irrelevant or prove just the opposite of what he asserted them to prove, as was shown in my Appellant's Brief. The space of this Petition precludes the reproduction of this analysis of their misinterpretations by the Judge, similar to his misinterpretation of the U.S. Supreme Court case above. The following cases were analyzed in detail in Appellant's Brief and in Appellant's Reply

to the Brief for Defendants-Respondents and shown to support the case in issue no less than does *Milkovich*:
Brian v Richardson, 87 NY2d 52, 47-54
Chalpin v Amordian Press, 128 A.D.2d 81 (1st Dept. 1987)
Feris v Loyal Order of Moose Oneonta Lodge, AD2d, 686 NYS2d 884-6 [3rd dept 1991]
Gross v New York Times Company, 82 NY2d 149, 154-155
Huggins v Moore, 253 AD2d 304
Immuno AG v Moor Jankowski, 77 NY 235-67
James v Gannett, 40 N.T.2d 415, 419-420 (1976)
Kegerreis v Van Zile (1917) 180 AD414 167 NYS 874
Leon v Martinez, 84 NY2d 83, 85 (1994)
Levin v McPhee, 119F.3d 189, 196 (2d Cir. 1957)
Lewis v Newsday, 246 A.D.2d 434 (1st Dept. 1998)
Milkovich v Loraine Journal Co. 497 U.S.1, *9, 110 S.Ct. 2695, **2700
Parks v Steinbrenner, 131 A.D.2d 60, 62-63 (1987)
Silsdorf v Levine, 59 NY2d 8-16 (1983)
600 West 115th St. Corp. v Von Gutfeld, 80 NY2d 130, 131-45
Steinhilber v Alphonse, 68 NY2d 283, 289-90 (1986)

It can be contended that no published U.S. legal case supports the decision of the Judge, and, inversely, all published relevant decisions at all levels show that the espionage libel in the case in issue is the most flagrant violation of libel law. Indeed, respondents discovered in 1996 that a regular columnist of

respondent newspaper is a Soviet-Russian spy who revealed his espionage identity in his own publications! There has been no analogue of such an outrageous, impudent, glaring libel in the case records of any legally civilized country. No wonder. Respondent Vainer, a top Soviet propagandist and lifelong member of the Communist Party of the Soviet Union up to the collapse of the Soviet Empire, used in the case in issue the Soviet propaganda method whereby a victim was libeled by the government-run media by distorting the victim's texts, which had been published abroad and were inaccessible to the public, thus unable to judge whether or not the victim's texts had been distorted to defame the victim.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

_____

Date: _____

State of New York,
Court of Appeals

At a session of the Court,
held at Court of Appeals Hall
in the City of Albany
on the fifth day of June, 2001

Present, HON. JUDITH S. KAYE, *Chief Judge, presiding*

1-10 Mo. No. 500
Lev Navrozov,

Appellant,

v.

Novoye Russkoye Slovo Publishing Corp., et al.,

Respondents.

A motion for leave to appeal to the Court of Appeals in the above cause having heretofore been made upon the part of the appellant herein and papers have been submitted thereon and due deliberation having been thereupon had, it is

ORDERED, that the said motion be and the same hereby is denied.

[signed]
Stuart M. Cohen
Clerk of the Court

Appendix A Decision of the Court of Appeals of the State of New York

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK: IAS PART 28

_____x

LEV NAVROZOV,

Plaintiff,

Index No.: 112333/97

—against—

Decision and Order

NOVOYE RUSSKOYE SLOVO PUBLISHING CORP., BORIS GART AND GEORGE VAINER

Defendants

_____x

SCHOENFELD, MARTIN J.:

In this action plaintiff Lev Navrozov alleges that defendants Novoye Russkoye Slovo Publishing Corp., Boris Gart, and George Vainer defamed him in three articles published on the Op Ed pages of the Russian language newspaper Novoye Russkoye Slovo ("NRS") that falsely accused plaintiff of being an agent of the KGB in particular and of Soviet Russian rulers in general. NRS Publishing publishes NRS; Gart wrote two of the articles; and Vainer was NRS's editor-in-chief and wrote the third article. Defendants now move, pursuant to CPLR 3211(a)(7), to dismiss the

Appendix B. Decision of a Judge of the Supreme Court of the State of New York, the County of New York

complaint for failing to state a cause of action. For the reasons set forth herein, the motion is granted.

This Court must assume the truth of the following factual allegations, most of which are set forth in the complaint but some of which are set forth in plaintiff's submissions in opposition, for purposes of this motion. *Morone v Morone,* 50 NY2d 481, 484 (1980); *R. H. Sanbar Projects v Gruzen Partnership,* 148 AD2d 316, 318 (1st Dept 1989).

Plaintiff has been an opponent of Soviet totalitarianism since his early adolescence in the former Soviet Union. He renounced his Soviet citizenship in 1971 and emigrated with his family to the United States in 1972. In 1975 his critically acclaimed book, *The Education of Lev Navrozov,* was published in the United States, and thereafter he lectured widely on a variety of political and literary subjects. His thousands of articles and lectures in English and Russian in the United States have earned him the reputation of "an implacable foe of Soviet totalitarianism" and prompted the Soviet daily, Pravda, to call plaintiff "the No. 1 anti-Soviet man in the West."

NRS is sold in over 40 countries, including Russia, and is the largest and highest-circulation Russian-language daily newspaper outside Russia. In December 1995, plaintiff began writing a weekly NRS column entitled "Today and Eternally." The column covered a variety of subjects of interest to former

Russian citizens. The column of January 2, 1996, entitled "The Successes of Resovietization of Russia" ("Successes"), addressed what plaintiff perceived as a trend back to a "Soviet mentality" in Russia today. Plaintiff described how denunciations in the Soviet police state often came back to haunt the denouncer. The column of December 2, 1995, entitled "A Meeting with a KGB General: In Place of a Christmas Story" ("A Meeting"), described plaintiff's meeting with a KGB general's son at a university in Russia who "unburdened his heart to [him]," and a subsequent meeting many years later.

In response to "Successes" and "A Meeting," and to one of plaintiff's lectures, entitled "What Awaits Mankind in the Foreseeable Future" ("Mankind"), NRS printed the three subject Op Ed articles on August 23, 1996, September 20, 1996 and December 6, 1996. Since the context of the statements in the Op Ed articles is in issue, the Court will reprint verbatim certain portions of the articles (many of the statements that are listed in Navrozov's complaint are *clearly* not actionable).

Gart's "My Eulogy to Navrozov" ("Eulogy") (Amended Complaint, Exh. 1) argues in mock serious tone that plaintiff, rather than Genghis Khan, should be named The Washington Post's "Man of the Millennium." Although plaintiff acknowledges that "Eulogy" is largely satirical, as Gart makes fun of what he perceives as plaintiff's inflated view of

himself, plaintiff alleges that in the middle of "Eulogy" Gart sheds the mock serious tone and argues without a trace of satire or hyperbole that plaintiff, far from being an opponent of the Soviets, is really a KGB agent. Plaintiff alleges that in order to create the impression that he was a KGB agent, Gart "purposefully distorts" the events depicted by plaintiff in his column.

For instance, Gart depicted a column in which plaintiff described how the FBI offered plaintiff and his wife safety against a Russian totalitarian's terrorist threats as follows:

> Navrozov, in order to "defend his life" against all kinds of attempts on it, had to send to the FBI denouncements [in Russian, donesenyiya, official military or police reports, such as an informer's denouncements to the GKB—Tr.], which he calls affidavits (for he is not only his own law but also his own witness): "The FBI took this very seriously."

In the passage that forms the crux of the dispute, Gart used quotes from "Successes" and "A Meeting" to discern a parallel between plaintiff's friendly relations with the CIA and FBI in the United States and his

> no less free-and-easy and devoid of fear interrelations with the KGB. "My fear of the KGB was not infinite, for if the

KGB could do efficient police detective work, it would have tracked down all my misdeeds ever since my early youth, and I would have been shot at least five times." But how could "anti-Soviet man No. 1," as Navrozov persistently recommends himself, survive and, despite all those terrible "misdeeds ever since my youth," not be shot at least once out of five times when the country was enmeshed in a dense net of KGB informers? . . . The fear, instilled by the MGB-KGB was my best protection against the MGB-KGB," says the inventive anti-Soviet man.

Evidently precisely for that reason, . . . Navrozov chose, devoid of fear, as his only interlocutor worthy of his total frankness, a son of the KGB general, named Z., and they had seditious heart-to-heart talks. True, later the general's son got into trouble—in contrast to his friend who, as always, was saved by the general fear of the KGB. . . .

However, the KGB's heartfelt regard for Navrozov he illustrates in the same opus of his by another and far more convincing example. One more unnamed [KGB] general . . . , while talking with Navrozov's wife as they were leaving

> Russia in 1972—when anyone who applied for an exit visa was declared right away to be a traitor . . . pronounced the following momentous words: "Remember that for such as your husband the doors of our country are always open!" I must confess that these doors opened by the general go beyond all bounds: what could make the highest ranking oprichnik [Tr.: KGB member] of Soviet democracy bow and scrape to Navrozov and make straight zayaki [Tr: official requsts or applications] for further meetings?
>
> . . . the soulfulness with which the grim KGB man treated Navrozov can be interpreted in only one way: as the recognition of certain entirely special services rendered by the "No. 1 anti-Soviet man" to the country and the people. . . .

In the second disputed article, "the Malice of the Day and Eternal Malice" ("Malice") (Amended Complaint Ex 4), published September 20, 1996, Gart responded to plaintiff's published accusations of libel and allegedly repeated his earlier distortion that plaintiff was a KGB agent:

> I already quoted it in my article and find it necessary to repeat the quotation "Remember that for such as

> your husband the doors of our country are always open!" . . . The question is: such as whom? What exactly did the KGB chief mean? Did he mean Navrozov's literary achievements? The social ones? The civic ones? The government ones?
>
> Now, my libel consisted in a rather innocent and natural proposition that the high-ranking oprichnik's fawning is ". . . the recognition of certain entirely special services rendered by the no. 1 anti-Soviet man to the country and people. . . ."

In the third disputed article, "Perpetual Motion of False Wisdom" ("Perpetual Motion") (Amended Complaint Ex 5), plaintiff alleges that the former editor-in-chief of NRS accepted Gart's libel that plaintiff was a KGB agent and elaborated on it.

Noting plaintiff's statement in the Mankind lecture that the Soviet rulers had begun a "superweapon" development program in 1972 because only through world domination could their power be recognized as legitimate, Vainer wrote that

> Since L. Navrozov left the USSR for his emigration precisely in 1972, it can be inferred that no one else than [Navrozov] became precisely that "superweapon," that "ultimatum" to the free world, with which the Soviet rulers confronted mankind to make it recognize their regime as legitimate.

Following the publication of Perpetual Motion, plaintiff commenced this defamation action alleging that defendants' three Op Ed articles contained false and defamatory insinuations that plaintiff was an "informer (agent, associate) of the Soviet secret police (the KGB) ever since his college days," which were published with reckless disregard for their accuracy and damaged his reputation as a "lifelong champion of freedom" and "lifelong fighter against totalitarianism." Specifically, plaintiff alleges, inter alia, that he has been defamed because the articles (1) give the impression that plaintiff did not fear the KGB while most people in the Soviet Union did; (2) give the impression that plaintiff did not fear having "seditious talks" with "Z," the KGB general's son; (3) make a brief reference to an unnamed, untitled KGB person who had a pro-forma "farewell talk" (with plaintiff's wife) of a kind that was given to every emigrant and distorting it into a "special visit" by the KGB general.

It has been noted that in a defamation action predicated on entire recitations of several articles, applying basic principles is not an easy task, since "'[o]bviously, not every word or assertion in the disputed articles is false or defamatory. . . . [M]any of the objective assertions . . . are uncontroversial and are therefore not the proper subject for a defamation action' (*Gross v New York Times Company,* 82 NY2d 146, 154)." *Huggins v Moore,* 253 AD2d 297, 304 (1st Dept 1999).

> The Court of Appeals has stated that
> The essence of the tort of libel is the publication of a statement about an individual that is both false and defamatory. Since falsity is a *sine qua non* of a libel claim and since only assertions of fact are capable of being proven false, we have consistently held that a libel action cannot be maintained unless it is premised on published assertions of *fact*.

Brian v Richardson, 87 NY2d 46, 50-51 (1995). Furthermore, "[w]hether a given statement constitutes an expression of opinion or an actionable factual assertion is a question of law for the court to decide." *Ferris v Loyal Order of Moose Oneonta Lodge,*_____ AD2d _____, 686 NYS 2d 884 [3rd Dept 1999]. Such a determination must be made by considering the communication within its particular context, along with its tone and apparent purpose. *600 West 115th St. Corp. v. Von Gutfeld,* 80 NY2d 130, 140-42 (1992).

The task of "[d]istinguishing between assertions of actionable statements of fact and nonactionable expressions of opinion has often proved a difficult task." *Brian v Richardson, supra,* at 51. The factors to be considered when distinguishing between assertions of fact and nonactionable expressions of opinion are: (1) whether the specific language in issue has a precise meaning that is readily understood; (2)

whether the statements are capable of being proven true or false; and (3) whether either the full context of the communication in which the statement appears or the broader social context and surrounding circumstances are such as to signal readers or listeners that what is being read or heard is likely to be opinion rather than fact. *Gross v New York Times, supra,* at 153.

The First Department recently noted that "merely labeling a statement to be opinion does not, per se, insulate that statement from a defamation action." *Huggins v Moore, supra,* at * 5. New York retains the common law distinction between "pure opinion," which is defined as "a statement of opinion which is a accompanied by a recitation of the facts upon which it is based [or which] does not imply that it is based upon undisclosed facts" and "mixed opinion," defined as "a statement of opinion [which] implies that it is based upon facts which justify the opinion but are unknown to those reading or hearing it." *Steinhilber v Alphonse,* 68 NY2d 283, 289-90 (1986). While "mixed opinions" may be actionable, "pure opinions" are not

> because a proffered hypothesis that is offered after full recitation of the facts on which it is based is readily understood by the audience as conjecture. Indeed, this class of statements provides a clear illustration of situations in which the full context of the communications signals

> readers or listeners that what is being read or heard is likely to be opinion, not fact.

Gross v New York Times Co., supra, at 154 (internal citations and quotations omitted).

While speech "earns no greater protection simply because it is labeled 'opinion,'" *Immuno AG v Moor-Jankowski,* 77 NY2d 235, 243 (1991), (relying on *Milkovich v Lorain Journal Co.,* 497 US 1 (1990)), seeming factual assertions, because of the forum or the context, upon close examination may well be "loose, figurative or hyperbolic language." *Milkovich v Lorain Journal Co., supra* at 21. The Court of Appeals rejects a "hypertechnical parsing" of statements to find possible facts for purposes of maintaining a libel action. *Immuno AG v Moor Jankowski, supra,* at 256. Statements about plaintiff's "special services" to "the country and people" of Russia and of being a "superweapon" to the Soviet rulers appear not to have a precise meaning that is readily understood or which is capable of being proven true or false as the law requires. Even if the aforementioned statements could be, in a different context, interpreted as factual assertions of an association with the KGB, the "broader social context and surrounding circumstances" in which the articles were published—here, on the Op Ed page of a newspaer—supports the conclusion that their contents could not be understood by a reasonable person as

assertions of fact offered for their accuracy; rather, they were expressions of opinion.

> [T]he Op Ed page is a forum traditionally reserved for the airing of ideas on matters of public concern. Indeed, the common expectation is that the columns and articles published on a newspaper's Op Ed sections will represent the viewpoints of their authors and, as such, contain considerable hyperbole, speculation, diversified forms of expression and opinion.

Brian v Richardson, supra 87 NY2d at 52.

Also, if we look at the immediate context of the Op Ed articles themselves, we see signals to the reader that the contents were not that of a "disinterested observer" (*Brian v. Richardson,* 87 NY2d at 53), but rather were expressions of opinion. For instance, in the beginning of "Eulogy," NRS's Editorial Board forewarns readers that the writer of the article is "one of the opponents of Lev Navrozov—our reader Boris Gart." At the beginning of "Malice" Gart was also referred to as an opponent of Navrozov.

Finally, the tone and purpose of the Op Ed articles was to interpret and challenge, in a mocking, satirical, hyperbolic way, plaintiff's personal historical accounts recited in "Successes" and "A Meeting" and in the "Mankind" lecture. The intention of the authors to render their *opinions* is clearly revealed by the use of

words such as "interpreted," "proposition" and "inferred" [*e.g.*, "the soulfulness with which the grim KGB man treated Navrozov can be *interpreted* in only one way: as the recognition of certain entirely special services rendered by the "No. 1 anti-Soviet man" to the country and the people. . . ." (see Amended Complaint Ex 1, p 6); "my libel consisted in a rather innocent and natural *proposition* that the high-ranking oprichnick's fawning. . . ." (see Amended Complaint Ex 3 at 4); "it can be *inferred* that no one else than [Navrozov] became precisely that 'superweapon. . . .'" (see Amended Complaint Ex 5, at 4).

As defendants note, plaintiff describes (Memorandum of Law at 17) the articles as follows: "[They] employed the technique of taking what [they] viewed as Navrozov's pretensions about himself and extrapolating them to make Navrozov look ridiculous." Indeed, "extrapolation," by mockery, satire, and hyperbole ("But how could 'anti-Soviet man No. 1,' as Navrozov persistently recommends himself, survive and, despite all those terrible 'misdeeds ever since my youth,' not be shot at least once out of five times when the country was enmeshed in a dense net of KGB informers?), is a central technique of the writings. Extrapolatin is by definition a matter of opinion, not fact. Much like viewers of director Oliver Stone's hazy, nebulous "J.F.K.," the readers of the subject articles are taunted and challenged, but not told what actually happened, since Stone, like the defendants

here, clearly did not know what actually happened.

In sum, both the articles themselves, and the broader social context in which the articles were published, made it clear to the reasonable reader that the article's contents represented the opinion of the authors, and that their ruminations about plaintiff were not demonstrable fact. Thus plaintiff has failed to state a cognizable libel claim and his complaint must be dismissed.

This opinion constitutes the decision and order of the Court, and the clerk is hereby directed to enter judgment for defendants.

Dated: October 5, 1999

[signed]
J. S. C.

FILED OCT 27 1999
COUNTY CLERK'S OFFICE
NEW YORK

At a term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York, entered on February 27, 2001.

Present– Hon. Angela M. Mazzarelli, Justice Presiding
Betty Weinberg Ellerin
Richard W. Wallach
Israel Rubin,
David B. Saxe, Justices

_____x

Lev Navrozov,
Plaintiff-Appellant,

—against— 3343

Novoye Russkoye Slovo
Publishing Corp. et al.,
Defendants-Respondents.

_____x

An appeal having been taken to this Court by the above-named appellant from a judgment of the Supreme Court, New York County (Martin Schoenfeld, J.), entered November 12, 1999,

Appendix C. Decision of the Appellate Division of the Supreme Court of the State of New York, the County of New York

And said appeal having been argued by counsel for the respective parties; and due deliberation having been had thereon,

It is unanimously ordered that the order so appealed from be and the same is hereby affirmed for the reasons stated by Martin Schoenfeld, J., without costs or disbursements.

ENTER:

[signed]
Clerk

Today &
Eternally
Lev Navrozov

A MEETING WITH A KGB GENERAL
In Place of a Christmas Story

His father was, during the Second World War, a Soviet military attaché in the United States, that is, a general of the NKVD (as the KGB was called at that time) who participated in the stealing and transfer to Stalin of the secrets of atomic weapons even before these weapons had been developed in the United States by 1945. [The Soviet secret police, called finally (after 1953) the KGB, both conducted espionage abroad and ferreted out foes of the Soviet totalitarian regime inside the country through KGB informers. —Tr.] His son, whom I will call Z., told me that many Americans considered Stalin to be the Russian Roosevelt, with greater emphasis on social security, and all Russians, from Stalin downward, to be the heroes sacrificing themselves for the sake of the Western democracies, led by the USA. Once Z. and his father sat in a not very large but very expensive restaurant together with a next-in-turn American to

Appendix D. The complete text (in certified translation) of petitioner's column (respondent newspaper Dec. 22, 1995) from which respondents "inferred" petitioner's KGB and Soviet-Russian espionage complicity by grossly distorting the text and adding their sheer inventions.

be inveigled into the atomic spy net. A meeting in a first-class restaurant patronized by the creame of society was to reassure the American by showing him that he was being drawn not into something detective-criminal-dangerous, but into something that was happening in general view, was approved by all, including, possibly, Roosevelt himself, took place at the top of society, and was certainly safe! Now, the presence of Z., who attended, as did all Soviet embassy children at that time, an American school, imparted to that idyll a family air, ease, and fun.

And there they saw two strangers approaching their table. The Soviet spy decided that his activity had finally penetrated the consciousness of the FBI and they were coming to arrest him in order to catch him in the act—during his recruitment of an agent—in the presence of many witnesses.

One of the newcomers raised his hand and called for attention. "Ladies and gentlemen!" he shouted. "There are Russians in our midst!" Pandemonium broke loose. Everyone wanted to drink the Russians' health, hug them, and kiss them. When a toast to friendship was proposed, a Hollywood star whom Z. knew from the movies yelled that she would never—never!—drink to friendship with our Russian heroes! Only to love! And she rushed to kiss the Soviet spy and his son to prove how much better is love than friendship, screaming: "Heroes! Stalingrad! *Russki ne zdayutsa*!" ["The Russians do not

surrender!" —Tr.]

Finally, the Soviet spy took the floor and invited all those present to a cocktail party at the Soviet embassy. Many Americans believe that Russian vodka in a cocktail has neither taste, nor smell, this is, indeed, vodka from the word "water" [The word "vodka" comes from the Russian word *voda,* "water." —Tr.], and can be drunk in any quantity. And they were right with respect to that super-purified beverage that was made in Stalin's Russia for Kremlin consumption and other such needs. At the Soviet embassy reception everyone, therefore, drank a lot of Russian water-vodka, there was a great revelry, and it was said about the Hollywood star that on her way home she suddenly decided to get out of the car and walk with her chauffeur-bodyguard. "But ma'am, there is no place to park the car here," he said. "So to hell with it!" she laughed.

And this is what happened to Z. later on. The Soviet press spent much printing ink for the "depiction of the seamy side of American reality." However, the Soviet embassy children saw no seamy side. They went to the best paid school—at the Soviet embassy's expense, of course. The services of American physicians were also paid for by the Soviet embassy. In short, the Soviet embassy was the dad-billionaire who bought his kids only the best in America. But when the Cold War began, all the embassy children were sent back into the post-war hungry Moscow. Did

Z. become anti-Soviet?

All my friends and I were anti-Soviet. But we admired Russian culture and knew, for example, Russian poetry as a medieval Christian doctor of divinity his *New Testament,* though none of us was a poet or was going to be. To paraphrase Turgenev [a 19th-century Russian novelist, who actually said: "It is impossible that such a language should not be given to a great people." —Tr.]: "It is impossible that such a culture should not be given to a great people." If Z. had attended a Soviet school, he would have known at least the name of Blok [a great Russian poet of the beginning of the century —Tr.] because even though he had no longer been in our Soviet school program, he had still figured in our textbook of literature. But Z. went to American, not Soviet school! To him Russia was just a set of horrible communal apartments [apartments in which kitchen and bathroom facilities were shared by several families, and three generations of a family could be cooped up in one room —Tr.]. He became pro-American and anti-Russian despite his impeccable Russian pedigree. He became a pro-American hater of everything Russian.

The MGB [the name of the KGB between 1946 and 1953 —Tr.] sent him to study at a special department of the Institute of Foreign Lanauges. Stalin's order: students of this department must know English like natives of the English-speaking countries to make up the infrastructure of power in the English-

speaking countries after the establishment of Soviet world domination. As for me, I got into this department just as could a son of a washing woman get into Russia's university in the 19th century—owing to abilities and, because, after all, children of common people must also be admitted. I was a Russian according to my internal passport, a son of a writer who had volunteered during the war and had been killed at the front, and therefore I didn't mar the social picture too much by my humble origin.

I didn't have a single friend among the students. Yet Z. and I were always on good terms because his pro-American stand was pleasant to me against the background of Stalin's anti-Western nazism, which had been growing daily, nay, hourly. Now, Z. knew that I was not an MGB informer (from the MGB he knew who was) and so he would unburden his heart to me.

After our graduation I did not see him. And suddenly about fifteen years later he phoned me. Could he see me?

Thus Fate knocks at the door. When we bought our country house and began to receive guests, many foreigners finally also kept dropping in. That happened spontaneously. A foreigner would visit a Soviet celebrity, or the latter was friends with a foreign correspondent. How to entertain him on Sunday? To the Navrozovs' country house! It is well known that acting with impunity, a criminal becomes

audacious, and the scope of his crime grows: he begins with robbing a stall and ends with robbing the central bank. That is what happened to us. At first, when a Moscow correspondent of an English newspaper called me at our country house, I hung up in horror. Now, later my wife and I busily discussed where we would seat at dinner a member of the British parliament and who would sit next to an American billionaire or a French historian of Russia.

My fear of the KGB was not infinite, for if the KGB could do efficient police detective work, it would have tracked down all my misdeeds since my early youth and would have me shot at least five times. Actually, when we were leaving Russia, the KGB would hold with all leavers farewell talks to convince them that having gone to the West, they should not tar their Motherland there. I did not show up at this talk, but the interlocutor said to my wife: "Remember that for such as your husband, the doors of our country are always open."

However, there is a limit to every happy ignorance, including the ignorance of the KGB. Foreign limousines lined up along the fence of our country house. . . . And here came that phone call from Z.

Surely he must have risen to the rank of a KGB general. His father was a KGB general, and he himself was amazingly hard-working. I could imagine his colleagues saying to him: "Do you know what your

classmate has cooked up? A second American embassy at his country house! Look, don't scare him off. This is just what we need! You will, by virtue of old friendship, gradually, take control over him. Let everything go on as it is, nothing is better! But let him invite you to his gatherings. Tell him you want to bring to his country house . . . We'll pick a celebrity who will not know what this is all about. And we will just suggest to him, through the right person, that he accompany you."

I told Z. we would meet not in our country house, but in our Moscow apartment. There was no point in evading the meeting. I knew where I was living. The danger ought to be met with courage and prayer. Z. had been friendly to me, he had used to be a pro-American hater of everything Russian, and that was better for me than some Russian Nazi in a KGB uniform, hostile to me. First of all, we should chase away all foreigners. Well, they used to come to our country house, but now it's history. We don't meet any foreigners.

He turned up somewhat late (while I thought that KGB generals arrived in armored limos on the second). In a thriller it would have been written that the young ambitious general of the omnipotent KGB and his victim had prepared themselves for the battle in which the victim's only weapon was his readiness to die.

He pulled out his handkerchief and muttered as

he wiped his tears: "Excuse me, I am crying because of seeing you. . . . I was again in a psychiatric hospital. . . . I just got out. . . . It happens to me sometimes."

"Lev, help me!" he spoke up again, pausing from time to time, evidently to keep back his tears. "I have four children. My disability pension is tiny. My wife cannot work because—the children! It is difficult to scatter them over kindergartens and after-school groups, and besides, we would be sorry for them if we did."

"Yes. I remember that you loved children. But what about your father?"

"He was lucky that he was not shot. We had sent him a wire to the USA: 'Don't send clothes any more.' That was after Stalin's death. But the new broom decided that this meant: 'Don't return.' He came to be suspected of being a double agent. He was recalled. They stripped us of everything. What we lived through! How happy we were that he was not shot. They spared him. But he himself broke down—died. Mother could not live through it either."

He was no longer able to restrain himself and wept again.

"Lev, you are so successful. Of all of us you alone are so successful. I have heard that in your country house when your guests sit at your dinner table, the floor parts and it's a swimming pool all around."

There was a semblance of a smile on his tear-stained face.

"This is a fable." I said. "I don't know who thought it up."

"Lev, you are so influential. If you could get some translations for me. Not literature, of course, but whatever. A quire [24 typewritten pages—Tr.] a week. Lev, help me!"

As I was seeing him off, I hugged him, to show that I would not leave him in the lurch and to calm him down. No, he never was a friend of mine. How could a friend of mine in Russia be a Russian who had never heard of Blok? But if all the truth be told, my face was also wet with tears.

Christmas according to the West-European (Gregorian) calendar was coming. [The Russian Orthodox Church calendar is thirteen days behind. —Tr.] We expected a foreigners' jamboree at our country house. My wife was waiting for news from me. Our code was the language of military field reports. If it was "We're retreating," then the foreigners' jamboree should be cancelled.

I immediately called my wife at our country house and told her in our code: "The enemy has been routed. Is retreating in total disarray. Enormous quantities of enemy arms captured." Then I added without any code, "All our conjectures have proved to be wild nonsense. I'll tell you when I come home. But in one word, it's—life! My God, life! Do you understand me? Life!"

One cannot help noticing that Navrozov's fatherly attitude toward the CIA, and the FBI's tireless care for him appear as a continuation and development of his no less free-and-easy and devoid-of-fear interrelations with the KGB. "My fear of the KGB was not infinite, for if the KGB could do efficient police detective work, it would have tracked down all my misdeeds ever since my early youth, and I would have been shot at least five times." But how could "anti-Soviet man No. 1," as Navrozov persistently recommends himself, survive and, despite all those terrible "misdeeds ever since early youth," not be shot at least once out of five times when the country was enmeshed in a dense net of KGB informers? The secret is surprisingly simple: it had transpired that Navrozov "studied Soviet Russia from within way back under Stalin." "When I communicated results of my studies in private conversations in Stalin's times . . . [the ellipses belong to Boris Gart—Tr.], I was not denounced to the KGB because it was believed: he who says such things is an agent of the MGB-KGB" [the MGB is the KGB's name from 1946 to 1953—Tr.]. Well, having such a steadfast reputation of a KGB informer he had no reason to restrain himself in any "private conversations." "The fear, instilled by the

Appendix E. Four libelous paragraphs in respondent Boris Gart's first (large-format-full-page) article in respondent newspaper of Aug. 23, 1996, p. 30.

MGB-KGB was my best protection against the MGB-KGB," says the inventive anti-Soviet man.

Evidently precisely for that reason, while studying, of course, at an entirely special elitist faculty of the Institute of Foreign Languages, which faculty was under the personal supervision of Comrade Stalin himself, Navrozov chose, devoid of fear, as his only interlocutor worthy of his total frankness, a son of a KGB general, named Z., and they had seditious heart-to-heart talks. True, later the general's son got into trouble—in contrast to this friend who, as always, was saved by the general fear of the KGB. On the good side of it, this enabled Navrozov, who had evidently become aware of his predestiny of the universal Savior already in those old days, to promise him [Z.—Tr.] powerful support at their meeting "Lev, you are so influential! Lev, you are so successful! Of all of us you alone are so successful!" raved, spouting dithyrambs, the high-born scion of the KGB-stricken privileged family Z. who recently got out of a psychiatric hospital. The influential and successful Lev describes the final saving scene of this moving meeting in such stylistically impeccable expressions: "As I was seeing *him* off, I hugged *him,* to show that I would not leave *him* in the lurch."

However, the KGB's heartfelt regard for Navrozov he illustrates in the same opus of his by another and far more convincing example. One more unnamed general from the same Slovo I Dela

Department [the medieval torture chamber in Russia: the reference is to the KGB—Tr.], while talking with Navrozov's wife as they were leaving Russia in 1972—when anyone who applied for an exit visa was declared right away to be a traitor, a betrayer to the Motherland, fired to the general shrieks of condemnation, and stripped of citizenship—pronounced the following momentous words: "Remember that for such as your husband the doors of our country are always open!" I must confess that these doors opened by the general go beyond all bounds [literally: "cannot get through any doors"—Tr.]: what could make the highest ranking *oprích*nik [a member of the political police under Ivan the Terrible, that is, a member of the KGB—Tr.] of Soviet democracy bow and scrape to Navrozov and make straight *zayáki* [official requests or applications—Tr.] for their further meetings?

I, for example, was denied my exit visa for ten years, and in the interim I saw many scoundrels in a colonel's and a general's uniform defending the gains of the Soviet regime. Yet all of them were infinitely far away from any attempt to caress me like that—such treatment had to be earned with them! Therefore, the soulfulness with which the grim KGB man treated Navrozov can be interpreted in only one way: as the recognition of certain entirely special cervices rendered by the "No. 1 anti-Soviet man" to the country and the people "the country and the people"

was a Soviet cliché, which actually meant the Soviet powers that be and in this particular case means the KGB—Tr.], and deny Navrozov that recognition even his worst enemies could not (unless the general had also landed in a psychiatric hospital).

As for the mutual relations of Navrozov and the KGB, mentioned in "My Eulogy" [Boris Gart's article of Aug. 23], here I am very much afraid that my esteemed opponent has caused his own undoing and disgrace. Here is a small excerpt from his opus "The Successes of Re-Sovietization of Russia," (*Novoye Russkoye Slovo,* Jan. 2, 1996): "When I communicated the results of my studies [of the Soviet regime—Tr.] in my private conversations in Stalin's times and for three years after his death, I was not denounced to the KGB because it was believed: he who says such things is an agent of the MGB-KGB [the MGB is the KGB's name from 1946 to 1952—Tr.] *with the assignment to involve a listener into anti-Soviet conversations and denounce him* [the italics are mine—B.G.]: The fear instilled by the MGB-KGB was my best protection against the MGB-KGB."

In other words, no one else than Navrozov himself considered it necessary to bring to the readers' attention the fact that for a number of years he enjoyed the reputation of a KGB secret informer and agent provocateur, instilling fear into those around

Appendix F. Four libelous paragraphs in respondent Gart's second article (respondent newspaper Sept. 20, p. 14), in which he affirms that petitioner Navrozov had revealed himself in his publications as "a KGB secret associate in Soviet Russia and a KGB agent in the USA."

him.

No less astonishing is that warm evaluation that an unnamed KGB general gave Navrozov. I already quoted it in my article and find it necessary to repeat that quotation: "Remember that *for such as your husband* [the italics are mine—B.G.] the doors of our country are always open!" ("A Meeting with a KGB General," *Novoye Russkoye Slovo,* December 22, 1995). The question is: *such as* whom? What exactly did the KGB chief mean? Did he mean Navrozov's literary achievements? The social ones? The civic ones? The government ones? And couldn't Navrozov himself explain how the general's *zayávka* [an official request or application—Tr.] for their further meetings should be interpreted if my interpretation he has called a filthy, malicious, and damaging libel?

Now, my libel consisted in a rather innocent and natural proposition that the high-ranking *oprích nik*'s [meaning here "the high-ranking KGB man's"—Tr.] fawning is. . . the recognition of certain entirely special services" rendered by the "No. 1 anti-Soviet man" to the country and the people [the Soviet cliché "the country and the people" denoted the powers that be, including the KGB—Tr.], and deny Navrozov that recognition even his sworn enemies cannot."

"'My idea is as simple as 2 x 2 = 4, though no one understands it,' remarks Navrozov in this connection. 'From 1945 to 1949 the USA had an irreversible military superiority: the USA confronted Japan with an ultimatum, and Japan surrendered. Had the USA confronted the USSR with an ultimatum, the USSR would have surrendered. Indeed, such an ultimatum was contemplated. I have a copy of the project. It was not brought into play, for the USA did not want world domination if only because inhabitants of the new U.S. territories would pour in great numbers into the USA and live off its social benefits, ruining it economically. On the other hand, the Soviet rulers aimed at world domination, for only then would their power be recognized as legitimate. Started in 1972 was a program of development of new superweapons —beyond nuclear weapons—to obtain such superweapons ahead of the USA and confront it with an ultimatum as the USA once confronted Japan.'"

Appendix G. Two successive paragraphs in respondent Vainer's article (respondent newspaper Dec. 6, 1996, p. 15). The first paragraph (above) is respondent Vainer's quotation of petitioner Navrozov's text, and the second paragraph (see p. 2 of this Appendix) is respondent Vainer's libel which he alleges to have "inferred" from petitioner Navrozov's text he quotes in his first paragraph (above).

Since L. Navrozov left the USSR for his emigration precisely in 1972, it can be inferred that no one else than Lev Andreyevich [Navrozov—Tr.] became precisely that "superweapon," that "ultimatum" to the free world, with which the Soviet rulers confronted mankind to make it recognize their regime as legitimate.

NEWSMAX.COM BIOGRAPHIES

LEV NAVROZOV NewsMax.com columnist and journalist. "One of the most brilliant minds of the world" and the first Russian to translate Russian litera-ture (e.g., Dostoyevsky) into English. Published over 1,000 columns and articles on the destiny of civilization, world culture, foreign policy, strategy, defense and intelligence work—since his emigration from Russia in 1972; winner of Albert Einstein prize for outstanding intellectual achievements. Author of *The Education of Lev Navrozov* (Harper & Row, 1975)—compared to Mark Twain, Proust, Orwell, Voltaire, and Dostoyevsky. More than twenty of his articles are in the United States *Congressional Record.* Go to www.NewsMax.com for more.

Appendix H. PR data on petitioner Navrozov that shows in particular his role in the struggle for the survival of the West in the age of post-nuclear superweapons, which were developed in Soviet Russia before 1992 and are developed today in China.

THE NEW YORK CITY TRIBUNE

LEV NAVROZOV

Son of a Russian writer and surrounded from childhood by whatever had survived in the brilliant Russian letters of the first third of the 20th century, Lev Navrozov could not and would not publish his original works in Soviet Russia, and hence became the first (and the last) Russian translating Russian literature (e.g., Dostoyevsky) into English without ever having lived in—or even visited!—any English-speaking country.

Having emigrated to the United States in 1972, he published over 1,000 columns and articles on the destiny of civilizations, world culture, the West and the non-West. He began to write his newspaper column in 1981. Twenty-one of his articles appeared in *The Congressional Record.* He won an Albert Einstein Prize for outstanding intellectual achievements.

The book that he smuggled out of Russia as a manuscript in English—*The Education of Lev Navrozov* (Harper & Row)—received over 100 reviews, in which he was compared to Milton, Mark Twain, Proust, George Orwell, Sterne, and Dostoyevsky.

Samples below are the American evaluations of Lev Navrozov's writings, lecturing, and radio and TV appearances:

- Dr. William West, a senior government analyst of Russia, wrote: "The Navrozov commentaries are journalism on an intellectual/satirical plane unequaled in the contemporary press, and without many historical peers. Voltaire comes to mind."
- A White House aide noted: "Navrozov's words read like a clarion call blasting forth a message we should all heed."
- A United States Senator remarked in a letter to Lev Navrozov: "We wish you could simultaneously be editor of the *New York Times,* the *Washington Post,* and the *Los Angeles Times,* and in charge of the news departments at NBC, CBS, and ABC."
- The radio broadcaster Barry Farber said on his national radio program: "Lev Navrozov is definitely one of the most brilliant minds in the history of the world. His head is like a furnace. I feel physically warm when I'm close to this man's thought processes."
- In his *To Jerusalem and Back* the novelist Saul Bellow devoted an inspiring page to Lev Navrozov, and conjured him up again in his novel *More Die of Heartbreak* as a Russian "man of genius."

RUSSIA'S PERIODICALS
IN WHICH LEV NAVROZOV
HAS BEEN PUBLISHING
SINCE MARCH 1992

Izvestia
Novyi mir
Kultura
Druzhba narodov
Moskovskiy novosti
Literaturnaya gazeta
Ogonyok
Russkaya viza
Inostrannaya literatura
Megapolis Express
Rossiyskiy vesti
Vecherhyaya Moskva
Argumenty i fakty
Moskovskaya pravda
Vremya i my

EXCERPTS FROM THE REVIEWS of *THE EDUCATION OF LEV NAVROZOV*

The Education of Lev Navrozov, to which the proposed book is a sequel, was published in the United States by Harper & Row (1975) and in Germany by Ullstein (1980). In the United States, the book received over 100 "stellar reviews," and here are excerpts from some of them.

Robert Massie, author of *Nicholas and Alexandra,* in *Hadassah* magazine, Oct. 1975:

> Read this book slowly, letting the stories, beautiful and horrible, sink in. For Navrozov, like all great writers, has created his own world. In time, the Navrozov world will unfold and enfold. The reader soon understands that this book is . . . proof that—by an accident of fate, or some mysterious purpose of God—even in a society like that of Soviet Russia, the spark of individual genius can still be born and nurtured.

The New Yorker, Sept. 22, 1975:

> Navrozov's book is personal, angry, anguished, and funny—a prose "Guernica" with jokes.

The Washington Post, Aug. 9, 1975:

> He [the author] is uniquely informed. . . . In this volume he concentrates on debunking both the

Western and the Communist version of 20th-century Russian history, and he does so in a dazzlingly specific and convincing way. . . .

The manifold nasty truths that he courageously reveals here (Russian exiles have been "suicided" for less, as he knows) should be read by everyone with any interest in the Soviet Union, and he makes a good case for the argument that everyone should have such an interest.

Midstream, Aug./Sept. 1975, pp. 75 and 77:

. . . the single most important work of literature to have come out of the Soviet Union in almost sixty years.

. . . one of the three or four major works of the literary imagination that has been produced in the twentieth century. . . .

Harrison Salisbury in *The New York Times Book Review,* May 20, 1975:

Mr. Navrozov, who has recently arrived in the United States, is a nonconformist among nonconformists. What is most striking in his first volume of highly personal memoirs (the first, he assures us, of seven volumes) is his bold, contemptuous and, as some would say, almost scatological assault on the myth of Lenin the Good. The Lenin he set forth in place of the God of Truth, Justice and Humanity is the direct

antithesis—it is Lenin the Evil from whom all of Stalin's terror flows as naturally as night follows day. . . .

Navrozov goes back to the beginnings. . . . The horrors of Lenin's regime glow like phosphorescent nightmares from Navrozov's pages. Lenin's insistence on terror from the very beginning was. . . .

Saul Bellow in *To Jerusalem and Back,* pp. 17-18:

Lev Navrozov . . . sees us, the Americans, as children at whom the Stalins smile through their mustachios. Perhaps there is a certain Vautrin-admiring romanticism in this. Dostoevski, no mean judge in such matters, thought there was much to be said for the murderer's point of view. Navrozov extends the position.

Sidney Hook in *The Humanist,* Nov./Dec. 1976:

This fascinating volume . . . bids fair to take its place beside the works of Laurence Sterne and Henry Adams. . . . But it is far richer in scope and more gripping in content.

Eugene Lyons, author of *Assignment in Utopia* (which converted George Orwell to antitotalitarianism), in his letter to Harper & Row:

Readers will find *The Education of Lev Navrozov* exciting and fascinating, as I did. But I

had a special reason. It happens that I spent six years in the "Closed World Once Called Russia," then wrote several books about the experience. Yet in every chapter of Navrozov I discovered startling insights that were new to me, and which I recognized at once as true and profoundly significant. AMONG THE MANY BOOKS ON THE WEIRD SOVIET SOCIETY WITH WHICH I AM PROFESSIONALLY FAMILIAR, MY OWN INCLUDED, NAVROZOV'S STRIKES ME AS THE MOST UNUSUAL AND UNIQUELY REVEALING.

The Chronicle Review, March 1976, p. 20:

The Education of Lev Navrozov cannot be read. It must be carefully studied and learned by heart.

The Time-Union (Albany, New York), June 15, 1975:

His book is many books, and somehow it works, ranging from graceful understatement to wide-open mockery. The reader is in for an education—one that will challenge what he already "knows" at practically every turn. This is gorgeous writing, writing that transcends place, and, as far as this reader is concerned, the years will prove this piece of work worthy of transcending time.

The Nashville Banner, June 14, 1975:

The Education of Lev Navrozov is a powerful

blend of Proustian artistry and sensitivity, à la *Remembrance of Things Past,* and Orwellian sociopolitical analysis, à la *1984.*

The Key Reporter, the journal of Phi Beta Kappa alumni, Autumn 1975:

The author is obviously a man of tremendous erudition, knowledge and memory.